



CASE PA/4-30188E

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1625

FUJIMOTO ET AL.

APPLICATION NO: 10/728,244

FILED: DECEMBER 4, 2003

FOR: CERTAIN 5-ALKYL-2-ARYLAMINOPHENYLACETIC ACIDS AND
DERIVATIVES

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

FEE LETTER

Sir:

Enclosed herewith is a Terminal Disclaimer in the above-identified application.

The Commissioner is hereby authorized to charge the \$130 fee under 37 CFR §1.20(d) and any additional fees that may be required to Deposit Account No. 19-0134 in the name of Novartis. An additional copy of this paper is here enclosed.

Respectfully submitted,

Peter J. Waibel
Attorney for Applicants
Reg. No. 43,228

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
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(862) 778-7951
Date: March 10, 2006



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TERMINAL DISCLAIMER

Sir:

Novartis AG, a company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, Basel, Switzerland 4056, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which was recorded in the United States Patent and Trademark Office on April 26, 2001 at Reel/Frame 011752/0153.

Novartis AG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior **Patent No. 6,291,523** issued September 18, 2001. Said Patent No. 6,291,523 is also assigned to Novartis AG by virtue of an assignment which the same assignment.

Novartis AG hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior Patent No. 6,291,523 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Novartis AG does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. 6,291,523, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent

jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 10th day of March, 2006 by the undersigned attorney of record.

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